



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1635
#9/R.T.
10/28

ELECTION

Applicants: Edwin A. Clark, Todd R. Golub, Richard O. Hynes and Eric S. Lander

Application No.: 09/735,273 Group: 1635

Filed: December 11, 2000 Examiner: Schmidt, M.

Confirmation No.: 3583

For: METASTASIS GENES AND USES THEREOF

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CERTIFICATE OF MAILING

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on 10-17-02 Date

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REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

Responsive to the Restriction Requirement dated September 17, 2002, the claims of Group II (Claims 12-19, 27-29 and 35), drawn to methods of predicting the likelihood of development of a metastatic condition in a mammal via determining the amount of gene products in a biological sample from a mammal and comparing the level with a control level, are elected for prosecution. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

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Responsive to the requirement for an election of species for searching purposes, Applicants hereby elect fibronectin as the species. Claims readable on the elected species are Claims 12-14, 16-19, 27-28 and 35.

Applicants note that although Claim 18 was included in Group II by the Examiner, it appears that Claim 18 is more appropriately included in Group I, because it is dependent from Claim 4. Clarification is respectfully requested.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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10/17/02